



¹ The current members of BSPA, all of which are last-mile, facilities-based providers, are: Everest Connections, Hiawatha Broadband, Knology, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945

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1 Enclosure

cc: Monica Desai, David Konczal

Broadband Service Providers Association (BSPA)
FCC Media Bureau Discussion Outline, March 12, 2008
Proceeding 07-198

BSPA Attendees:

Jack Day, SureWest
Amy Mehlman, RCN
Bill Heaston, Knology
John Goodman, BSPA

The BSPA has proposed several FCC actions in its filed Comments and Reply Comments in the 07-198 proceeding. In some instances these policy positions and proposals were unique to the BSPA.

1. Proposal for FCC Sponsored Analysis of Carriage in All-digital Networks.
 - a. The scope of current analysis has inherent limits or bias.
 - i. Current submitted economic analysis is all sponsored by the broadcast segment of the industry.
 - ii. None of the analysis centers on the new realities of all-digital networks.
 - iii. Significant amount tied to 2004 a-la-carte proceeding.
 - b. New carriage policies should be enacted in the context of all-digital networks.
 - c. History of significant FCC studies.
 - d. Request that the FCC immediately open a proceeding to initiate the study with the goal of completion in 12 months.
2. Proposals for Sports Programming
 - a. We assume that access to cable affiliated sports programming will be covered by closing the terrestrial loophole.
 - b. All other sports programming still have two major issues.
 - i. Assured access. (NFL Sunday Ticket)
 - ii. Restrictive carriage requirements. (NFL Network)
 1. Forced carriage limits other options.
 2. Major impact on cable pricing.
 - c. BSPA Sports Policy Objectives

- i. No live sports exclusives for any MVPD.
- ii. The freedom to always offer sports programming for standalone purchase.

3. Professional Sports Leagues and the Antitrust Exemption

- a. It should be noted that the Anti-trust exemption does not apply to NFL Sunday Ticket or NFL Network.
- b. We do not advocate repeal of the antitrust exemption.
- c. We do advocate that the carriage conditions related to the antitrust exemption be updated to today's realities.
 - i. The original rules have not been updated since the 1960s.
 - ii. The original rules did not provide for any forms of MVPD exclusives. Broadcasters with game rights were available to all fans and then all cable or satellite operators.
 - iii. Rules need to be updated and expanded to account for the multiple competing MVPDs and the digital carriage (Std. and HD) we have now and expect to expand in 2009.
- d. Options to update antitrust carriage rules.
 - i. The FCC determines that it has the authority to do this now.
 - ii. The FCC asks for authority to do this from Congress.
 - iii. Congress takes on this responsibility by passing an amendment to the antitrust law that:
 - 1. Expands coverage of the antitrust exemption.
 - 2. Gives authority to the FCC to determine carriage rules.
 - 3. Specifies carriage rules.

4. Proposal for FCC Arbitration

- a. We have proposed an initial draft of FCC procedures.
- b. We support arbitration as a preferred remedy to other solutions that would move the FCC toward being a price regulator.
- c. We see no legal barriers to FCC Arbitration as defined in our comments.
- d. Issue of What to Arbitrate? Will the FCC process determine what channel or channels will be subject to last-best offer?